

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: February 16, 2005

Division: District 1

Bulk Item: Yes ☐ No ☒

Department: Mayor Dixie M. Spehar

Staff Contact Person: Sheila A. Barker

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**AGENDA ITEM WORDING:** Approval of recommended changes to the Rules and regulations for the Career Service Council to improve the efficiency of the Council.

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**ITEM BACKGROUND:** The Career Service Council operates under authority delegated by the State Legislature under Chapter 69-1321, Laws of Florida. The last Career Service employee action did not get resolved for approximately 2 years from the time of employee's termination.

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Discussion and Direction to Career Service Council to implement revised rules.

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**TOTAL COST:** Not Applicable

**BUDGETED:** Yes ☐ No ☐

**COST TO COUNTY:** Not Applicable

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes ☐ No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty \_\_\_\_\_ OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:**

  
Mayor Dixie Spehar

**DOCUMENTATION:** Included ☒ Not Required ☐

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF MONROE

CAREER SERVICE COUNCIL

RULES AND REGULATIONS

ARTICLE I: AUTHORITY AND ORIGIN

- Section 1      Authority – the Career Service Council of Monroe County, State of Florida, operates under authority delegated by the State legislature under Chapter 69-1321, Laws of Florida, under which Act these Rules and Regulations are promulgated. In event of conflict between these Rules and Regulations and the provisions of said ACT, then, in that event, the provisions of the Act shall supersede the provisions of these Rules and Regulations.
- Section 2:      Origin – The Career Service Council consists of five members who are appointed one each by a majority of each of the following and the fifth member to be appointed by the other four (4) members: (1) The Board of County Commissioners of Monroe County, Florida; (2) The Monroe County Mosquito Control District; (3) The Florida Keys Aqueduct Commission, and the Utility Board of the City of Key West, Florida.
- Section 3:      **Vacancies – A vacancy in the at-large position should be filled within forty-five (45) days from the date the vacancy was created. An advertisement for candidates will be placed in the Citizen Sunday issue two consecutive weeks and the Keynoter for a Wednesday and Saturday issue. The cost of such advertisement will be shared equally by the four agencies.**
- Section 4:      Promulgation of Rules and Regulations – Pursuant to the provisions of Section 2 of the Act, the following rules and regulations for the hearing of appeals properly brought before this Council are hereby promulgated:

ARTICLE II; ORGANIZATION

- Section 1:      Council shall be duly organized with a chairman, vice chairman, secretary, and such other officers and committees as may, from time to time, be deemed necessary by the members of the Council.
- Section 2:      The Chairman of the council shall preside at all formal meetings and at all hearings when he/she is present. He/she shall be the Chief Officer of the Council and shall be responsible to see that directives of the Council are properly carried out. The Vice Chairman shall assist the chairman as the needs require and shall serve as the chairman. The Secretary shall keep accurate minutes of the proceedings before the Council, except that a competent stenographer may be employed to record proceedings at hearings, and, under the direction of the Council conduct such correspondence and other Council business as directed. Duties of other officers or committees, when and if named, shall be enumerated in the appointments.
- Section 3:      **The Council will meet quarterly to go over protocols or discuss issues and each authority will provide a speaker for the meeting to advise and update the council on the policies and procedures of the agencies. Other meetings may be called by the Chairman of upon the request of three members of the Council, when necessity arises. All meetings shall be open to the press and public. Hearings shall be scheduled as expeditiously as possible after a valid petition for such hearing has been filed with the council. Due regard being given to the requirements for a valid petition set forth in Article III, Section 2 and 3 of these Rules and Regulations. When there is an employee hearing, the notice of the meeting in**

accordance with Florida Statutes. **Career Service Council attendance is mandatory unless the absence is excused. Three absences in a year warrant dismissal.**

### ARTICLE III – FILING PETITIONS

- Section 1: Employees who have at least one (1) year of satisfactory service with Monroe County Mosquito Control District, the Florida Keys Aqueduct Authority, Monroe County or Utility Board of the City of Key West will be considered career service employees. The following employees are not covered by the Act: (1) Employees contracted with for a specific purpose; (2) The manager of the Utility Board of the City of Key West, Florida; (3) the Manager of the Florida Keys Aqueduct Authority; (4) The Director of the Monroe County Mosquito Control District.
- Section 2: Covered employees who have been suspended, discharged, reduce in pay or demoted shall have the right to appeal the action to the Career Service Council within the thirty (30) days next following such suspension, discharge, reduction in pay or demotion. Such petition shall contain as essential information the full name and current home address, the date employed, the date action was taken, and a brief outline of the basis for the appeal. Copies of the minutes or record of proceedings at any hearing before the employer, along with copies of any notifications employer may have sent to the employee, shall be attached to the petition. **Counsel for employee must file a brief outlining all facts of action to be heard by Council within 30 days of filing petition.**
- Section 3: **Agency (2<sup>nd</sup> party) must file their reply brief within fifteen (15) days from the Career Service Council receiving the employee's brief.**
- Section 4: Upon receipt of a petition of appeal, the Career Service Council shall immediately determine if the employee is entitled to appeal under the provisions of the Act and of these rules and regulations. Hearings on valid appeals shall be set as expeditiously as possible. **Council will establish hearing dates within 30 days from receipt of receiving Employee's brief. It is the aim of the Council to have a speedy process. It is the intention of concluding all hearings within sixty (60) days.**
- Section 5: Hearings shall be conducted in an atmosphere of dignity and decorum. The employee may be represented by legal counsel, at his own expense, and may present such witnesses and other evidence as may be fitting to the individual case. The employer, likewise, may be represented by counsel and may present testimony and evidence in support of his action. The rules of court are not to be strictly observed.
- Section 6: The proceedings at any and all hearings shall be recorded by a court reporter and if requested transcribed for the guidance of the members of the Council. When so directed by the council, a tape recording mechanism may be employed to record the proceedings of a hearing, in lieu of the employment of a court reporter. **Each agency has the right to provide a stenographer of their choice for transcription of Council actions.**
- Section 7: Costs of the hearing incurred by the Career Service Council shall be paid by the employer of the employee who has filed the appeal petition. Costs of employees' legal advice and any other expenses incurred by him shall be born by him.
- Section 8: At the completion of the hearing, the Career Service Council members shall review the evidence presented and arrive at a decision. All decisions shall be promulgated in writing and signed by all members of the Council who participated in the hearing. Dissents from the majority opinion may be noted opposite the signatures of members holding other opinions. If a dissenting member shall so desire, he may file a dissenting opinion, giving his reasons for the dissent. Copies of the decision shall be furnished to the employee and the employer and made available to accredited members of the news media who shall request same.

- Section 9: In its decision, the Career Service Council shall definitely state whether 1) the action of the employer is sustained; 2) the action of the employer reversed; 3) employee is ordered reinstated, with or without back pay; or otherwise altered or amended. The decision of the Career Service Council shall be binding on all parties to the litigation.
- Section 10: The standard of dismissal with just cause is preponderance of the evidence. Even if there is not just cause for dismissal, there may be just cause for lesser discipline. When an employee has been demoted, the employer may be directed by the Career Service Council to make payment of all back pay and emoluments which are due depending on the circumstances.
- Section 11: If a career service employee has been favored or discriminated against with respect to political or religious opinions or affiliations, the action may be declared null and void by the Career Service and employee may be restored to his former position. In the event the employee has been promoted with greater pay, the employee may be required to pay back any pay or emoluments to which he is not entitled..
- Section 12: No person shall use or promise, or threaten, to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person, an appointment or advantage in appointment to any position in the career service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration; provided, however, that letters of inquiry, recommendations and references by public employees or public officials shall not be considered pressure unless such letter contains a threat, intimidation, irrelevant, derogatory or false information, and provided further, that for the purposes of this section, the term "political pressure", in addition to any appropriate meaning which may be ascribed thereto by lawful authority or influence in any manner prohibited by the Act, or by these rules and regulations. .
- Section 13: No person shall, directly, or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or advantage in, a position in the career service.
- Section 14: The Council may proceed with any hearing so long as a quorum of the members is present. The ruling of the council shall be supported by a majority of the Council in attendance. If any hearing shall be continued for more than one session of the Council, only those council members who have been present at all sessions will be allowed to vote. If the vote is 2-2, the employee's appeal shall fail.

#### ARTICLE IV: EMPLOYEE RIGHTS AND OBLIGATIONS

- Section 1: As an individual, each career service employee shall retain all rights and obligations of citizenship provided in the Constitution and laws of the United States of America and of the Constitution and laws of the United States of America and of the constitution and laws of the State of Florida; however, no career service employee shall:
- 1) Hold or be a candidate for public or political office while in the career service, or take active part in a political campaign while so employed or within any period of time during which he is expected to perform services for which he received compensation as a career service employee.
  - 2) Use the authority of his position to secure support for or opposition for any candidate, party or issue in a partisan election, or affect the results thereof.

3) No Career Service employee or official shall use any promise of reward or threat of loss to encourage or coerce any person to support or contribute to any political issue, candidate or party.

Section 2 Costs of appeals to the Career Service Council, except employee's attorney fees, shall be paid for by the employer of the employee filing said appeal.

#### ARTICLE V: INTERPRETATION

Section 1 The provisions of these rules and regulations shall be interpreted in the light of accepted meanings and general usage of the words, clauses, phrases and sentences herein and in a liberal manner. In event of conflict between the interpretation of any provision of these rules and regulations and any portion of the Act, then, and in the event, the interpretation of the Act shall govern.

#### ARTICLE VI: QUORUM

Section 1: The presence of three members of the Career Service Council at any meeting or hearing shall constitute a quorum. In event of the absence of both the chairman and vice chairman the remaining members shall designate a temporary chairman for that particular session.

#### ARTICLE VII: AMENDMENTS

Section 1: These rules and regulations may be amended by a majority vote of the members present at a regular meeting, provided that such proposed amendment has been furnished to each member of the Council at least three (3) days before the scheduled meeting.

#### ARTICLE VIII: PARLIMENTARY GUIDE

Section 1: The parliamentary guide for all matters shall be Roberts's Rules of Order (latest revised edition).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Chairman of Career Service Council

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Secretary of Career Service Council